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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,136	07/21/2000	John Ward	1344/49082	4926

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EXAMINER

MANOHARAN, VIRGINIA

ART UNIT PAPER NUMBER

1764

DATE MAILED: 01/31/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/624,136

Applicant(s)

WARD, JOHN

Examiner

Virginia Manoharan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10-24-02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Applicant's election of Group II claims 6-8 in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The abstract of the disclosure is objected to because of the inclusion of legal phraseology often used in patent claims such as "means" in line 5. Correction is required. See MPEP § 608.01(b).

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors e.g. typographical grammar, idiomatic, syntax and etc. Applicant's cooperation is required in correcting any errors of which applicant may become aware in the specification.

Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claim 6, the "wherein" clause should be positively recited as device or elements. The phrase "is provided" is more process rather than apparatus to which the claims are directed.
- b. The claimed "means to" in claims 6-7 --means for--, as the latter is the phrase authorized by 35 USC, 6<sup>th</sup> paragraph.

c. Claims 6-8 are incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are as follows:

1. The connection of the "absorbing member" relative to the solar still is not specified in the claims .

2. The preamble recites a solar still but e.g., the boiler, the means for heating and the condenser are not recited in the claims.

d. The claimed "one or more" should be -at least one- to avoid the alternative "or".

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over anyone of Stark (4,487, 659), Stark et al(4,312,709) or Woodruff (5,628,879) in view of Kaufman (4,530,348).

Anyone of the above references discloses substantially the features of the solar still as claimed. See e.g., Figures 1-5 of Stark; Figures 24-29 of Stark et al; and Fig. 13 of Woodruff.

The apparatus of anyone of the above references differs from the claimed invention in that claim 6 recites for example, "... a solar absorbing member and a glass cover over the absorbing member, wherein the absorbing member is provided with

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means to substantially eliminate or prevent thermal distortion of the absorbing member.." as broadly claimed in claim 6; and further, the "wherein" clause claimed in claim 7 such as "wherein the means to substantially eliminate or prevent thermal distortion comprise one or more thermal expansion domes or recesses in the absorbing member.." and also the "wherein" clause in claim 8 such as "..wherein the absorbing member is as panel of black material containing a plurality of individual cells, a thermal expansion dome or recess being provided in the bottom of each cell ".

However, the above features of the absorbing member are known expediciencies in the art as taught e.g., by Kaufman. Note e.g. cols. 1-6. To incorporate the absorbing member of Kaufman to the apparatus of anyone of Stark, Stark et al or Woodruff would have been obvious to one of the ordinary skill in view of the disclosure e.g, at col. 3, line 3, and lines 16 -23 of Woodruff suggesting for the absorbing means provided by Kaufman's reference. See also col. 11, lines 35-66 of Stark et al; and at col. 9, lines 1-3, and col. 11, lines 35-62 of Stark.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Phillip discloses a solar-energy concentrating device.
- b. Lucas and Hensley Jr. et al both disclose a solar still.
- c. Harvey et al discloses an assembly of an array of solar cells.

Any inquiry concerning this communication from the examiner should be directed to V. Manoharan whose telephone number is (703) 308-3844. The examiner can generally be reached on Tuesday--Friday from 7:30 a.m. to 6:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (703) 308-6824. The fax phone numbers for the organization where this application is assigned are (703) 872-9311 for regular communications and (703) 308-0651 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

V. Manoharan/dh  
January 26, 2003

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*1/27/03*